THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15332 of 2006

Dated:25.07.2006

Between:

kandala Satyananda Murthy S/o Gangadhar Rao

..... PETITIONER

And

State Election Commission, rep., by its Commissioner,
Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.15332 of 2006

ORDER:

The ground of rejection of the nomination of the petitioner is that he is an auction bidder of the usufruct of the coconut trees. It is contended that it is not a disqualification. The learned counsel for the petitioner also places reliance on the decision of the Supreme Court in ***Somnath Rath v. Bikram K. Arukh,*** [1].

Whatever the reasons may be, inasmuch as the writ petition itself is filed for a Writ of Mandamus declaring the action of the 4th respondent in rejecting the nomination of the petitioner for Ward No.12 of Pasarlapudi Gram Pancyat, Mamidikuduru Mandal, East Godavari District, dated 21.07.2006, and confirmed by the 3rd respondent in appeal under Reference No.J/1623 of 2006, dated 22.07.2006, as illegal and arbitrary, and in view of the fact that the petitioner has an effective alternative remedy by way of Election Petition, this Court is giving liberty

to the petitioner to approach the appropriate Election Tribunal.

With the above direction, the writ petition is disposed of. No order as to costs.

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25.07.2006

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[1] AIR 1999 SC 3417